

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
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In re:

TAYLOR, BEAN & WHITAKER MORTGAGE
CORP.,

Debtor.

Chapter 11

Case No. 3:09-bk-07047-JAF

Case No. 3:09-bk-10022-JAF

Case No. 3:09-bk-10023-JAF

Jointly Administered Under

Case No. 3:09-bk-07047-JAF

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OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF TAYLOR, BEAN &
WHITAKER MORTGAGE CORP., on behalf
of TAYLOR, BEAN & WHITAKER MORTGAGE
CORP.,

Adv. Case. No. 3:10-ap-00126-JAF

Plaintiff,

vs.

SOUTH TOWNE CAPITAL HOLDINGS, LLC, a
Florida limited liability company, f/k/a SOUTH
TOWNE CAPITAL, LLC,

Defendant.

**FINAL JUDGMENT BY DEFAULT AGAINST
SOUTH TOWNE CAPITAL HOLDINGS, LLC**

THIS MATTER came before the Court on the Official Committee of Unsecured Creditors of Taylor, Bean & Whitaker Mortgage Corp., on behalf of Taylor, Bean & Whitaker Mortgage Corp.'s ("Creditors Committee") Motion for Final Judgment by Default Against South Towne Capital Holdings, LLC ("Motion").¹ The Court, having considered the Motion and

¹ The address and last four digits of the taxpayer identification number of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., is 315 N. E. 14th Street, Ocala, FL 34470 (TI# 9391).

reviewed the record, including specifically the Clerk's default against South Town Capital Holdings, LLC, [D.E. No. 9], and being otherwise duly advised in the premises, does hereby

ADJUDGE:

1. The Court finds that the Plaintiff has reestablished the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes (2010). Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify it from any loss it may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, Florida Statutes (2010), judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

2. The Creditors Committee, on behalf of Debtor Taylor, Bean & Whitaker Mortgage, Corp., shall have and recover judgment on the note and judgment shall be and is hereby entered in favor of the Creditors Committee, on behalf of Debtor Taylor, Bean & Whitaker Mortgage, Corp., and against Defendant South Towne Capital Holdings, LLC in the amount as follows:

Principal:	\$ 344,470.94
Accrued and unpaid interest as of 03/17/10: (6% per annum at \$56.63 <i>per diem</i>)	\$ 11,608.20
Accrued interest at \$56.63 <i>per diem</i> from 03/18/10 – [date of entry of judgment]:	\$ 9,004.17
Grand Total:	\$ 365,083.31

3. Defendant shall forthwith turnover to Plaintiff pursuant to 11 U.S.C. § 542(b) the sum of \$ 365,083.31 which is the property of the Debtor's estate.

4. The grand total and sum referenced in Paragraphs 2 and 3 shall bear interest from the date of this Final Judgment forward at the prevailing statutory rate of interest under Florida law until this Final Judgment is paid in full, all for which let execution issue.

5. In accordance with Section 55.10(1), Florida Statutes (2010), the address of the Creditors Committee is as follows:

Official Committee of Unsecured Creditors of
Taylor, Bean & Whitaker Mortgage Corp.
c/o James D. Gassenheimer, Esquire
Berger Singerman, P.A.
200 South Biscayne Boulevard, Suite 1000
Miami, Florida 33131

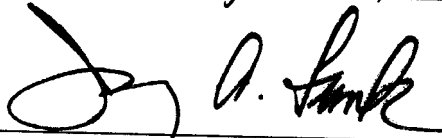
6. In accordance with Section 55.10(2), Florida Statutes (2010), the address of Defendant South Towne Capital Holdings, LLC is as follows:

South Towne Capital Holdings, LLC
c/o R. William Futch, P.A., Registered Agent
610 S.E. 17th Street
Ocala, FL 34471

7. In accordance with Rule 54(d)(1) of the Federal Rules of Civil Procedure, the Court reserves jurisdiction to award costs.

8. In accordance with Rule 54(d)(2) of the Federal Rules of Civil Procedure, the Court reserves jurisdiction to award attorney's fees.

DONE and ORDERED in Jacksonville, Florida on August 23, 2010.


JERRY FUNK, Bankruptcy Judge
United States Bankruptcy Court

Copies furnished to:
James D. Gassenheimer, Esq.
Defendant South Towne Capital Holdings, LLC

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RECORDED IN THE US BANKRUPTCY COURT
FOR THE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
FILE NO. 54 NO. 7366 *